

Tabone, Jr., John

From: 101 Help Panel
Sent: Thursday, September 22, 2005 9:28 AM
To: Tabone, Jr., John
Subject: RE: case 10092407

For claim 1, if the final determination (# of errors = max # correctable) has immediate real-world value to one of ordinary skill in the art as it relates to the disclosed practical application of these methods steps, it is statutory. If, on the other hand, the determination is too preliminary to be a useful, concrete and tangible result, and it would need to be stored, utilized or otherwise further processed to be of any use, it is non-statutory.

For claim 5, assuming the units and/or at least one of the recited "means" are hardware or a combination of hardware and software and not disclosed as being potentially just software subroutines, the same analysis as claim 1 applies. If the units and "means" could all be just software, the claim should be rejected as software, per se, lacking the necessary hardware to enable a useful, concrete and tangible result to be realized.

Claim 9 and 13 have the same analysis as claim 1. Additionally, both are recited as "permitting" a computer to perform functions. In other words, there's noting that prohibits a computer from doing them. What does the underlying code actually "cause" the computer to do? There doesn't appear to be any code for causing functionality. I, personally, would recommend a 112, 2nd, for failing to particularly point out and distinctly claim the invention and a 101 for failing to provide a useful result.

William Grant
TQAS, TC 2100

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-----Original Message-----

From: Tabone, Jr., John
Sent: Tuesday, September 20, 2005 5:04 PM
To: 101 Help Panel
Subject: case 10092407

Please look at case 10092407 claims 1, 5, 9, and 13 for 101 problems. This is an amendment that is due this biweek, so an answer by tomorrow morning (Wednesday 9/21) would be greatly appreciated.

Thanks,

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